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C. JAMES FRUSH

June 15, 2005

Members of the Public Disclosure Commission
711 Capitol Way, Rm. 206
P.O. Box 40908
Olympia, WA 98504-0908

Re: Hearing on Thursday, June 23, 2005 on the Issue of Referring "TME Capital Group, LLC and its Investors" to the Office of the Attorney General (PDC Case No. 04-445)

Dear Commissioners:

"TME Capital Group, LLC and its investors"¹ (TME) will appear before this Honorable Commission at 4:30 p.m. on Thursday, June 23, 2005 to address the issue of the PDC Staff's recommendation requesting a referral of Case 04-445 to the Attorney General for institution of legal proceedings. TME requests that this matter not be referred to the Attorney General but rather, for the reasons discussed below, be retained at the Commission level and resolved without referral.

I. INTRODUCTION

The Commissioners are receiving the Report of Investigation and Exhibits and a Memorandum from Doug Ellis, Acting Assistant Director, dated June 7, 2005, containing the Executive Summary and Staff Recommendations regarding the 2001 Des Moines City Council Election, including a request for referral. In essence, TME does not believe referral is warranted because referral exposes TME to severe and unwarranted sanctions, inappropriate for a case where if violations did occur, they were unintentional and de minimus. In addition, the Staff's report relies on both fundamental misunderstandings of the nature of the TME entity and its relationship with other individuals and entities outside of TME. Lastly, the issues which will require resolution by any adjudication relate to application of PDC statutes and regulations to facts which are not essentially in dispute, a task better performed by this Commission and not a Superior Court, both because of this Commission's experience and because the precedents will guide this Commission in the future.

¹ The "investors" are actually "members" of the Limited Liability Company.

II. ANY REFERRAL AT THIS TIME IS SEVERE AND UNWARRANTED

RCW 42.17.395 provides that "In lieu of holding a hearing...the Commission may refer the matter to the Attorney General or other enforcement agency as provided in RCW 42.17.360." The statute provides no criteria to determine whether to refer a case.

If this Commission retains the matter, the maximum penalty for each violator is capped at \$2,500. If the matter is referred to the Attorney General, the potential remedies and sanctions are greatly increased. Upon referral, RCW 42.17.390 provides that any person who violates the Chapter may be subject to a civil penalty of \$10,000 for each violation. Moreover, if RCW 42.17.640 relating to limits on contributions is violated, each person may be subject to a civil penalty of \$10,000 or three times the amount of the contribution illegally made or accepted, whichever is greater. Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount not reported. Lastly, upon referral, pursuant to RCW 42.17.400, the court may award to the State all costs of investigation and trial, including reasonable attorney's fees, and if the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages.

As is obvious, if alleged violations concerning TME are referred, potential fines could run to hundreds of thousands of dollars with the substantial addition of costs and attorney's fees after protracted litigation in Superior Court.

A referral by this Commission would give the PDC Staff and Attorney General exceedingly powerful leverage to exact a settlement even though no wrongdoing took place. Faced with attempting to vindicate its rights through protracted Superior Court litigation subject to the civil rules, with the specter of hundreds and hundreds of thousands of dollars in fines, penalties, fees and costs, perhaps trebled, even the most innocent might easily succumb to a negotiated resolution.

It is critical in determining this issue of referral that the Commission should appreciate that any decision it makes at this point is without prejudice to change its mind. If, either before or even after hearing this matter on the merits, this Commission feels that the penalties it can render are too slight for the character of the particular violations sustained, it can refer the matter at that time to the Attorney General. Referring the matter now, before TME has really been given an opportunity to be heard on the merits and upon facts which TME believes are fundamentally misunderstood and misstated by the Staff, is irreparably to harm TME. TME cannot later somehow apply for referral of the matter back to the Commission. However, if the Commission at any point feels that referral is appropriate, it may so act. But that intelligent decision can only be made after TME has had an opportunity to correct and respond to the substance of the Staff recommendations and report.

III. THE STAFF FUNDAMENTALLY MISUNDERSTANDS THE NATURE OF THE ENTITIES INVOLVED AND THE TRANSACTIONS WHICH OCCURRED

Legal misunderstandings in the Staff's report are numerous. For example, TME is a limited liability corporation. It executed a loan agreement with another company, EMT, associated with Hank

Hopkins, under which millions of dollars were advanced on the SeaTac project. To suggest that it was a political committee formed for the purposes of engaging in political activity is unwarranted on the facts and unjustified in law. To suggest that, as one of the violations does, that TME's internal accounting about capital calls somehow constitutes reimbursement for contributions suggests that shareholders, sureties, and banks, in working with lawfully and duly organized business entities, are somehow at risk if the entity may later make a contribution.

Factual inaccuracies in the Staff's report abound. To name simply one, the "anonymous cashier's checks" were not issued by TME but were issued by EMT. TME had nothing whatsoever to do with the determining and deciding the form in which they would be issued. Further, the allegation that "no evidence was found that TME sought expert legal advice on reporting requirements," is absolutely untrue as Tom Hujar, an attorney and the experienced political consultant involved, was the very person brought on board to ensure that everything was accomplished in compliance with PDC statutes and regulations. Oddly, Mr. Hujar is the only individual who has come near any of this who hasn't been charged. While this does not pretend to be a presentation on the merits, Mr. Hujar was interviewed three times and presented an affidavit. The last interview of Mr. Hujar is attached to this submission. It is urged that the Commissioners review Mr. Hujar's testimony to see that not only are matters not as alleged by the Staff in its report but that TME is blameless.

Lastly, two procedural matters should be noted. First, Mr. Hopkins has already been referred to the Attorney General on March 25, 2003. It is both unnecessary and inappropriate to suggest that this Commission must act again to accomplish that referral. Secondly, one must ask why the Attorney General has not instituted legal proceedings against Mr. Hopkins and EMT in the over two years since this matter was referred. Why now, nearly four years after the election, and over two years after the referral of Mr. Hopkins on March 25, 2003, is this matter now finally being brought before this Honorable Commission.

IV. THIS COMMISSION IS THE BEST INFORMED AND MOST SUITABLE FORUM IN WHICH TO RESOLVE THE ISSUES INVOLVED IN THIS CASE

Superior Court Judges generally give deference to findings and determinations made by administrative bodies. This deference is afforded because the regulatory bodies charged with enforcing the law work with it on a consistent and regular basis. It is this Commission which has the most experience in dealing with the types of issues present in this matter. Further, it is this Commission which will by necessity work with the decisions made in this matter. As evidenced by the discussion above, certain fundamental issues relating to corporate governance, definition of political committees, and alike are raised by this matter. Is it not better for this Commission to decide these issues in a fashion in which it can apply them consistently in the future? It should be remembered that this Commission can always later refer this matter to the Attorney General.

V. CONCLUSION

It is currently inappropriate and unfair to refer this matter on the record currently before the Commission. Referral would expose TME and its investors to severe and unwarranted sanctions if it attempted to enforce and vindicate its rights after referral. It is respectfully suggested that only after a

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meaningful opportunity to be heard on the merits of this matter can an intelligent decision be made on the issue of referral of TME. Mr. Hopkins and EMT are already referred. The Commission need not revisit that issue. After proceeding further with TME, this Commission can make a decision whether to refer this matter or, as is anticipated by TME, to dismiss it in its entirety.

Thanks very much for your consideration.

Yours very truly,

A handwritten signature in black ink, appearing to read "G. James Frush". The signature is stylized with a large, looping initial "G" and a cursive "Frush".

G. James Frush
Counsel for TME Capital Group, LLC
and its partners

CJF:kt

Enclosure

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF THE)
ENFORCEMENT HEARING FOR) PDC CASE NO. 02-296
DON WASSON) PDC CASE NO. 03-153
AND)
HANK HOPKINS)
ENVIRONMENTAL MATERIALS)
TRANSPORT, LLC,)
Respondents.)

DEPOSITION OF THOMAS F. HUJAR
Monday, March 24, 2003

APPEARANCES

For Public Disclosure Commission: LINDA A. DALTON
Senior Assistant Attorney General
Office of the Attorney General
1125 Washington Street Southeast
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Olympia, Washington 98504-0100

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APPEARANCES - CONTINUED

For Hopkins and
Environmental
Materials
Transport, LLC:

CYRUS R. VANCE, JR.
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C. JAMES FRUSH
Gordon, Thomas, Honeywell, Malanca,
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Also Present:

JOHN WOLFE (Telephonically)
(Mr. Wolfe made a brief appearance.)

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NO.

DESCRIPTION

PAGE/LINE

None

1 BE IT REMEMBERED that the deposition upon oral of
2 THOMAS F. HUJAR was taken on Monday, March 24, 2003, at
3 711 Capitol Way, Room 206, Olympia, Washington, before
4 Pamela J. Bentley, Notary Public in and for the State of
5 Washington.

6
7 (Mr. Wolfe is appearing by telephone.)
8

9 MS. DALTON: This is the deposition for Tom Hujar.
10 If everybody might not mind going around the table -- and
11 identifying them for the record -- themselves for the
12 record.

13 THE REPORTER: Mr. Wolfe, my name is Pam Bentley,
14 and I'm the court reporter.

15 MR. WOLFE: Okay.

16 THE WITNESS: My name is Tom Hujar.

17 MR. VANCE: Cy Vance and Jim Frush for EMT and
18 Hank Hopkins. Good morning, John.

19 MR. WOLFE: Cyrus.

20 MS. HARRIS: Susan Harris.

21 MS. DALTON: And I'm Linda Dalton. I understand,
22 from our conversation this morning, John, that while you are
23 representing Mr. Wasson, you were choosing not to
24 participate in this deposition.

25 MR. WOLFE: That's correct.

1 MS. DALTON: Any questions?

2 (No response.)

3 MS. DALTON: Okay. Thanks, John.

4 MR. WOLFE: You bet.

5 MS. DALTON: Bye.

6 MR. WOLFE: Bye-bye.

7 (Mr. Wolfe is no longer present.)

8

9 THOMAS F. HUJAR, having been first duly sworn upon
10 oath by the notary, testified as follows:

11

12 EXAMINATION

13 BY MS. DALTON:

14 Q Will you please state your full name for the record,
15 spelling your last name?

16 A My name is Thomas Frances Hujar, H-u-j-a-r.

17 Q And a mailing address for the record?

18 A My mailing address is 8440 Northeast Gordon Drive,
19 Bainbridge Island, Washington 98110.

20 Q Have you ever had your deposition taken before?

21 A Yes.

22 Q How many times?

23 A Too many to count.

24 Q Okay. What kinds of cases?

25 A Civil -- mostly, civil cases. There have been some -- I

1 think there has been one or two criminal cases.

2 Q Ever in a Public Disclosure Commission political campaign
3 case?

4 A For the State of Washington, yes.

5 Q What was the name of that case?

6 A It was Washington Friends for -- or Bainbridge Island
7 Parents for Better Parks.

8 Q Okay.

9 A And I was also deposed in regards to the Governor's race
10 and -- for Governor Locke in 1992. And if my memory serves
11 me correct, I was interviewed a number of times for Mike
12 Hevey's (phonetically) Senate or County Council race. There
13 may be others.

14 Q Okay. All lawyers do depositions just a little different,
15 so I'll just give you my standard spiel.

16 I'm going to be just asking you a series of questions,
17 most of them to clarify previous statements that you've
18 provided in the cases against Don Wasson and Hank Hopkins
19 and Environmental Materials Transport.

20 If, during the course of my questioning, as can be the
21 case, you don't understand a question I've asked you, please
22 stop me, ask me to, you know, clarify whatever it is, the
23 confusion you have -- would be, and then we'll go for it.

24 I'm going to assume that once I've asked a question and
25 you've answered, that you understood the question and gave

1 the fullest of your recall of whatever the answer would be.

2 If, during the course of our time here, you need to
3 take a break, feel free to just let me know, and we'll do
4 that.

5 Are you represented by counsel at this time?

6 A I'm an attorney by education, and I -- I'm representing
7 myself.

8 Q Okay. Okay. As far as the purpose of this deposition, like
9 I said, you've given -- what I can account for is three
10 different statements with respect to the claims against
11 Mr. Wasson and Mr. Hopkins; is that correct?

12 A I've also been interviewed a number of times by the Public
13 Disclosure staff --

14 Q I was counting --

15 A -- over the telephone.

16 Q Yeah. I was counting -- oh, in addition to the taped
17 statements they took?

18 A Yes.

19 Q Okay.

20 A Yes.

21 Q Do you know how many times?

22 A At least -- I count five times in all.

23 Q Okay. Okay. Can you tell me what you did in preparation
24 for today, if anything?

25 A Well, I actually have some clarifications that I wanted to

1 make for my August 28th, 2002 statement, if I could do that
2 first.

3 Q Oh, what kinds of clarifications are you talking about?

4 A Well, I'd like to go page by page, if I can, and make
5 clarifications. I think that may make it easier for
6 everybody involved.

7 Q Okay. I see you have them written out there --

8 A Yes.

9 Q -- what you're -- Okay.

10 MS. DALTON: Do you guys have a copy of the
11 statement?

12 MR. VANCE: I have a copy of the August 28th, 2002
13 statement -- or -- that has been provided to me --

14 MS. DALTON: Okay.

15 MR. VANCE: -- by the PDC.

16 Q And that's the statement you're referring to?

17 A That's what I'm referring to. I made clarifications for the
18 June 26 statement --

19 Q Right.

20 A -- and I thought it might be beneficial to clear some things
21 up by doing the same thing this time. It's really up to
22 you, however you want to --

23 Q Okay.

24 A -- handle the interview.

25 Q Why don't we go -- before we do that -- and I think I'm

1 going to go ahead and let you do that -- can you tell me
2 what you did in preparation for today's deposition --

3 A I read --

4 Q -- if anything?

5 A I read my prior statements, and I went through some of the
6 statements that were made by Mr. Wasson and by Mr. Benjamin.

7 Q Mr. Wasson and Mr. Benjamin?

8 A Yes.

9 Q How did you get those statements? I mean, what statements
10 are you referring to?

11 A I got -- I have some legal -- some statements from them that
12 I received from Mr. Hopkins' attorney.

13 Q Okay. And since he has two here, which one did you receive
14 them from?

15 A From -- I believe it was from Mr. Vance.

16 Q Okay. Anybody else's statement that you reviewed prior to
17 today's deposition?

18 A The only -- Mr. Wasson and Mr. Benjamin is the only ones.

19 Q Okay. And you didn't review any of Mr. Hopkins' statements?

20 A I have read Mr. Hopkins', but not in preparation for this
21 hearing today.

22 Q Okay. And did you speak with anybody before today's
23 deposition in preparation for this deposition?

24 A No.

25 Q Okay.

1 A I mean, no one who is associated with this case.

2 Q Okay. Thank you. Okay. Let's just start at the top of
3 what your clarifications are.

4 A Number one, throughout the interview we discussed the issue
5 of \$20,000 worth of services. Although I stated on page 5
6 and page 7 that I received \$19,800 for the work that I did
7 on the campaign, Ms. Parker and myself started to say
8 \$20,000. And throughout the interview, we continually refer
9 to the amount of money that was spent on the campaigns as
10 \$20,000, just because it was easier to say it. The fact
11 is -- is that we both were talking about \$19,800 and not
12 \$20,000.

13 Q Okay. So you were talking about the amount -- the total
14 amount of money that you received from Mr. Hopkins as --

15 A For the work, was for \$19,800, but just as -- if -- on
16 page 5 and on page 7, I clearly stated that it was \$19,800,
17 but as time went on, Ms. Parker and I both started using
18 \$20,000 because it was easier to say. But I think that's an
19 important, relevant point that it was not \$20,000. It was
20 always \$19,800.

21 Q Okay.

22 A Number two, on page 6 and 7, I discuss the issues of \$850 in
23 postage stamps. At the time, I was asked who the stamps
24 were for, and I was unable to answer the question. In
25 further -- in looking back, I now remember that the \$850

1 worth of stamps were for Richard Benjamin for a mailing that
2 he was about to do.

3 Q Okay. And what triggered your memory of that?

4 A In reading his testimony.

5 Q Okay. Okay.

6 A Number three, on page 10, I stated that I only met with
7 Richard Benjamin two to three times. While this is correct,
8 I did speak with Richard nearly every day, and I know that
9 Mr. Snyder met with him quite regularly.

10 In fact, when the campaign -- the point that I'd like
11 to make here is that I spent a significant amount of time
12 and effort on Mr. Benjamin's campaign. His testimony would
13 lead one to believe that he rarely met with me or that I was
14 hardly involved in his campaign. In fact, I was so involved
15 in his campaign that when the campaign went into the
16 absentees and the race was in jeopardy, Mr. Benjamin pleaded
17 with me to hire Mr. Snyder to do poll watching for him,
18 which I did.

19 Q Okay. And that poll watching was reflected in your previous
20 statement that you --

21 A Yes. Yes.

22 Q Okay.

23 A On page 16, I was asked the question of whether or not I
24 went over the survey with Hank Hopkins. Although my answer
25 was correct, in rereading my deposition, I think I made it

1 appear that Hank Hopkins went over the survey with me word
2 for word. In fact, Mr. Hopkins, I considered to be a
3 neophyte when it came to politics and polling, and his
4 review of the survey was at my insistence. If I left the
5 impression that Mr. Hopkins went over the survey and made
6 revisions to it, that would be incorrect.

7 Q So you're saying now that he didn't change any of the
8 questions or add questions?

9 A No, he did not. And I never said that he added or changed
10 any part of the survey, but I think that I left the
11 impression, in going over my survey, that he and I carefully
12 reviewed it word for word. The reality is that he really
13 didn't even want to look at the survey. It was at my
14 insistence that he look at the survey because I refused to
15 go out in the field with the survey without my client's
16 approval.

17 Q Okay. So to the extent -- let me just clarify here for the
18 record that you had stated that part of the reason they
19 wanted the survey was to analyze the passibility [sic] for
20 some of these races being won by one candidate or -- and
21 that -- that still is an accurate statement on your part?

22 A Let me clarify. The survey that was done by the Wescott
23 Company was a survey that they were planning on doing before
24 they ever met me. And the issue of the survey -- the market
25 research survey that they were going to do -- came up by

1 happenstance. They had showed me a copy of the survey that
2 Bob Gogerty and his company had done on behalf of Wescott
3 Company a number of years ago, and they had decided that,
4 for whatever reason, they were going out in the field with
5 another survey to test the same issues that they had tested
6 prior, and it was with my recommendation -- that I said: If
7 you're going out in the field anyway, why don't you add on
8 four questions -- horses race questions? It won't cost you
9 any more if you did that.

10 That's the way that the survey -- the discussion of the
11 market survey came about, and that's the way that the four
12 questions were added onto the survey.

13 Q Okay. So when you say in here: I gave him a copy of the
14 survey. He read it, and he went over the whole thing --
15 what did you mean by that?

16 MR. VANCE: Could you just, Ms. Dalton, refer
17 Mr. Hujar to the page so that he knows exactly where you're
18 quoting from?

19 MS. DALTON: I'm just quoting from the page he
20 quoted, page 16.

21 MR. VANCE: Page 16? Thank you.

22 MS. DALTON: And if I change pages on you, I will
23 let you know that, but we can assume for purposes of the
24 deposition that whatever page Mr. Hujar is referring to is
25 the page that I will refer to.

1 A I'm sorry. Could you repeat your question?

2 Q In about the middle of the --

3 A Right.

4 Q -- page, there's your answer -- said -- so he asked you
5 specifically, oh, absolutely, and I gave him a copy of this
6 survey, and he read it, and he went over the whole thing.

7 A That's right. We're now hopping to -- what I was discussing
8 was, first of all, the discussion about doing a survey and
9 what was going into the survey. You've now leapfrogged into
10 when they had hired me to do the survey, and then the first
11 or second draft of the questions that I provided and that I
12 gave to them.

13 Q Okay. So when you're talking about -- I guess, then, you
14 need to clarify for the record exactly what period of time
15 you were talking about that he just wasn't -- he didn't
16 review it as closely as you seem to think --

17 A Mr. Hopkins --

18 Q -- it left the impression.

19 A -- never wanted to look at the survey. He never -- he was a
20 neophyte, and he basically said: You do whatever you want.
21 And I said: Hank, I never do a survey without my client
22 looking at it. And I sat down, and he may have asked me
23 some specific questions about the survey, but I don't really
24 think we went into that much discussion.

25 The fact is -- is that the four lengthiest questions --

1 the four or five lengthiest questions that were put in the
2 survey were exact duplicates of questions that were from the
3 Gogerty poll three or four years ago. So there really
4 wasn't a lot of reasons why we should have discussed it. I
5 did explain to him the reasons why I was using the same
6 language that we're using from the Gogerty poll.

7 But, you know, I don't want to leave the impression
8 that Hank Hopkins went word for word and looked at it. I
9 forced him to look at it because I didn't want to go out in
10 the field without his approval, but he did not thoroughly go
11 over the survey at all. I'm sure that he read it, but his
12 questions were minimal in comparison to what most of my
13 political clients would have asked me to do.

14 Q Okay. So when you say in your statement: I gave him a copy
15 of the survey, and he read it. He went over the whole
16 thing -- is that the survey once you'd made your additions,
17 or was that the Gogerty survey?

18 A No. This was a survey that I had. After they had hired me,
19 I put together a sample of questions, and it was 14, 15,
20 maybe 20 questions. And before I went out in the field with
21 the survey, I gave him a copy of the questionnaire, and I
22 said: I need you to read this before we go out in the
23 field.

24 Q Okay. Thank you. Next page?

25 A On page 18 -- Okay. On page 18, I discuss the issue of the

1 market research survey that was done on behalf of the
2 Wescott Company. I may have left the impression that
3 Don Wasson knew the results of the survey. Nothing more
4 could be of the truth [sic]. Mr. Wasson did not take part
5 in the development of the survey, nor did he ever learn of
6 the results of the survey from me.

7 The point that I made on page 18 was that when I was
8 discussing the issue of PDC regulations with Mr. Wasson and
9 Mr. Hopkins, I made it clear to both of them that if I did
10 the survey, none of the information could be leaked or used
11 by any of the candidates.

12 Q So this -- the clarification you're making is that this
13 discussion you had with Mr. Hopkins and Mr. Wasson was done
14 post-, or prehire by Mr. Hopkins? He hadn't hired you yet
15 to do the survey, or are you saying -- I mean, I'm trying to
16 find a time period --

17 A We were -- we were having -- there were -- my recollection
18 and, I think, my testimony is that we had two meetings --
19 Don Wasson and I had two meetings with Hank Hopkins. The
20 first meeting that I had was to discuss money. I was there
21 to help Don to try and see if we could get a financial
22 commitment from -- from Hank Hopkins.

23 The second -- and that's where the discussion of the
24 polling and everything came up. The second meeting that I
25 had with Mr. Wasson and Mr. Hopkins happened less than a

1 week later. And at that point in time, Hank said he --
2 Mr. Hopkins had made the decision that they would probably
3 go ahead with the survey and with contributions to the
4 campaigns, although he was not willing to make a commitment
5 at that time.

6 And during that discussion, we had -- we had -- I
7 wouldn't say a lengthy discussion, but we did have a
8 discussion, as I've testified, about the PDC regulations,
9 and if he made a contribution, how that money should be
10 contributed. We specifically had a discussion, as I've
11 testified before, about whether or not the effort should be
12 through an independent campaign committee or whether the
13 contributions should be given directly to the candidates.

14 Q And when you refer to: They had made a decision to go
15 forward with the survey and the contributions -- who were
16 you --

17 A That was --

18 Q -- referring to?

19 A That was the Wescott Company, and that's why I'm making a
20 clarification here -- is that I do not want to leave the
21 impression that Don Wasson had any influence whatsoever over
22 whether the survey was going to be done, what the content --
23 what would be the contents of the survey, or whether he
24 would ever see the results of the survey.

25 I -- as far as I was concerned, these were two

1 individual clients that I had. I had a client who was
2 hiring me to do market research and polling, and then I had
3 another client who was hiring me to win some campaigns, but
4 I treated them separately.

5 And at no time did I ever share any information of that
6 survey with anyone in Des Moines, including Mr. Wasson.

7 Q And so it was shared only with the members of the Wescott
8 Company?

9 A That's correct.

10 Q Okay. Next page?

11 A On page 23 and 27, our discussion was centered on my
12 discussions with Don Watson [sic] and Hank Hopkins relating
13 to the PDC reporting requirements. I never mentioned the
14 fact that I told Hank Hopkins that the only time he would be
15 required to report his contributions would be if he
16 contributed \$5,000 or more to a candidate within a 20-day
17 time period. I never thought to offer this information, and
18 the PDC never asked me about it. When I read about the
19 charges being filed by the PDC against Mr. Hopkins, I wrote
20 an affidavit explaining that the reason why Mr. Hopkins was
21 asked to specifically donate \$19,800 was for this very
22 reason.

23 Q Okay. And this is on page 23 and 27?

24 A I -- it's 23 through 27. We had this long discussion.

25 Q Oh, through 27?

1 A We had this very long discussion about what our discussion
2 was regarding the Public Disclosure Commission.

3 Q Okay. And I have some specific questions I'll be asking you
4 about that, so -- as we go, so why don't you just go ahead?

5 A Okay. I only have, I think, two more.

6 Q Okay.

7 A On page 29, the question was how many candidates was I hired
8 to assist. I think I made it clear in my first interview,
9 but I may have made it unclear in the second one. When Don
10 Wasson initially hired me, he told me that he had four
11 candidates that needed help and that he needed to win three
12 of the four. When we approached Mr. Hopkins, it was with
13 the expectation that we needed financial support for four
14 candidates; however, as time went on, that number went down
15 to two candidates, and then three.

16 Q Let me ask you a question about that. At the time that you
17 went and talked to Mr. Hopkins, you had already met with
18 several of the candidates; is that correct?

19 A I -- Yeah. I had -- well, the first time I met with Hank
20 Hopkins I had not met with any of the candidates. I don't
21 think I had met with any of the candidates. In fact, I'm
22 sure that's true, because when Don Wasson started asking --
23 telling Hank Hopkins how he wanted to spend the money, I
24 specifically told them that we couldn't make that decision
25 until I met with the candidates.

1 Q Okay. Because, quite honestly, as I recall, reading through
2 your statements -- was that you originally had met Mr. --
3 met with Mr. Wasson. You did an assessment after speaking
4 with several of these people -- because, I believe, at least
5 one of them wasn't available -- and then you went back to
6 Mr. Wasson, saying -- with your assessment, including the
7 fact that you needed more money -- more money was needed to
8 really assist these people in winning.

9 A That was --

10 MR. VANCE: Object to the form of the question.

11 Excuse me.

12 Q Go ahead. From time to time, they may make objections, you
13 know --

14 A That's okay.

15 Q -- so -- but go ahead.

16 A Again, you know, we had two meetings. And the first meeting
17 that I -- that we had with Hank Hopkins, I had not met -- I
18 think it was a Wednesday or a Thursday that I had met with
19 Hank Hopkins with Don Wasson, and I'm sure that we did
20 not -- I had not met with the candidates at that point. It
21 was that weekend I met with the candidates, and then a few
22 days later we met with Hank Hopkins again.

23 So you are correct. I did meet with the candidates
24 before the second meeting, but not before the first meeting
25 that we had.

1 Q Okay. So what prompted the first meeting between you and
2 Mr. Wasson and Mr. Hopkins?

3 A I told Mr. Wasson that I could not guarantee that he could
4 win three of the four races with the limited amount of
5 resources that he was planning on putting into the campaign.

6 Q And what --

7 A That he needed -- that if he was going to win, he needed to
8 raise a significant amount of money, and that I would not be
9 able to know how much that amount of money was until I met
10 with the candidates.

11 And we had this discussion about where the money could
12 come from. I specifically remember he told me that there
13 was this Marine Association that was planning on giving
14 him -- that had pledged some significant amount of money to
15 him, and he talked about raising money from people in the
16 Chamber of Commerces, and then he had mentioned the Wescott
17 Company.

18 And it was then that I started saying: Let's start
19 setting up meetings with these people and see how much money
20 you're actually talking about before I can give you a
21 specific assessment of how much money it's going to cost.

22 Q What did you base your original assessment that -- in that
23 discussion with him, that you needed a significant amount of
24 money to raise to win these races?

25 A You had three challengers or four challengers going up

1 against three incumbents and one open seat. You know, if
2 you look at any of the Public Disclosure reports, that
3 challengers have a very difficult time winning elections if
4 they are out-spent by any significant amount of money. In
5 fact, normally, you cannot beat an incumbent unless you're
6 equal or have more money than they are -- than they have.

7 Q Had you done any assessment of -- at that point, of what the
8 incumbents had for purposes of their PDC reports, or were
9 you just basing it on your --

10 A It was --

11 Q -- experience?

12 A It was all based on the discussion that I had down -- with
13 Don Wasson. He had done a review with me about how
14 campaigns had been run in prior years. He had spoken to me
15 about the fact that he was always on -- losing one to six
16 votes on the council, and that the ACC and other
17 organizations had contributed heavily to the incumbents'
18 campaigns.

19 So given the information that he had provided to me --
20 he had also told me that the ACC had sponsored and paid for
21 paid phone banks and a variety of other things, and it was
22 clear to me that he had to raise more than two to \$3,000 in
23 order to win these races.

24 Q At that time, did he tell you how much money he actually had
25 available to contribute to those races?

1 A He said that he was going to make personal contributions of
2 his own to the campaigns, but he also had told me that this
3 was kind of his last hoorah, that either he was going to
4 take over the majority and fulfill his lifelong dream of
5 being the mayor of the city, or else he would never achieve
6 that goal. So he was going to work as hard as he could and
7 that he would, basically, follow whatever direction I gave
8 to him in order to accomplish that goal.

9 Q At that time, did he indicate to you that he had already
10 received some money from Mr. Hopkins?

11 A No. That was a complete surprise to me.

12 Q Other pages you have?

13 A I just have one last one. On page 39, I said that it was my
14 impression that Hank Hopkins and Don Wasson talked all of
15 the time. I want to make it clear that I have no knowledge
16 that they ever spoke during the course of the campaign and
17 that I may have misspoke myself in this particular matter.

18 Q And when you referenced the fact that they had not spoken
19 during the campaign, do you mean that post-Mr. Hopkins'
20 contributions -- because, obviously, they spoke prior to
21 that during the campaign. But at what time period are you
22 saying they --

23 A Well, during -- when I came over, when we have this second
24 meeting, they had decided to go ahead with -- at whatever
25 point in time Mr. Hopkins had decided that he was going to

1 be contributing money to the campaign, the chain of command
2 was that I would call up Mr. Hopkins and get the money from
3 him, and Don was responsible for the Public Disclosure
4 requirements and for working with all of the candidates and
5 making sure that they did what I wanted them to do, what I
6 felt they needed to do.

7 So there -- I have no knowledge, from either what Don
8 or Hank ever said to me, that they ever spoke. It was just
9 an impression from the two meetings that I had that they
10 knew each other and that they were friends.

11 Q Okay. Is that all for the --

12 A That's it.

13 Q Okay. My turn now. Okay.

14 Can you describe for us a little bit about what your
15 experience has been with the actual reporting requirements
16 for the PDC -- campaign reporting requirements?

17 A In -- when Jolene Unsoeld first started her initiative to
18 form the Public Disclosure Commission, myself and Mike Lowry
19 and a number of other good-government activists helped write
20 the -- run -- run the campaign. And the campaigns that I
21 have run in the state, I have always had to deal with Public
22 Disclosure questions from my candidates.

23 And in the early stages of my career, especially in the
24 1980s, I think that I knew the law quite well. We had
25 done -- in the last 20 years, we had -- my company has done

1 over 200 legislative races in the state of Washington, and
2 most of them were challengers, and even if they were
3 incumbents, all of them would have questions about the
4 Public Disclosure law.

5 In -- starting in, approximately, 1990, my partner did
6 most of the work in Washington State, and I did nearly all
7 of my work either outside of the state of Washington or
8 abroad.

9 And if your question is: Is my knowledge and expertise
10 about the PDC law? It is limited. I do not know -- I do
11 not consider myself to be an expert in regards to the Public
12 Disclosure law.

13 Q Have you ever served as a treasurer on a campaign?

14 A Yes. I'm sure I have. I can't tell you off the top of my
15 head, but I'm sure that I served as a treasurer in a number
16 of initiative races, and, in fact, I served as a treasurer
17 for a -- I believe it was called Washington Friends for
18 Better Education. I think I served as a treasurer on that,
19 and that was the independent campaign expenditure that was
20 made in the Governor's race in 1992 or '94.

21 Q Can you just describe for me briefly how you got involved in
22 Des Moines -- in the Des Moines City Council race in 2001?

23 A Sure. I had just flown in. I had done the presidential
24 race in Poland, and I remember I was jet-lagged, and I was
25 getting up at around two o'clock in the morning. I had just

1 spent two and a half months living in Warsaw, and I came
2 home.

3 And I got -- I received a phone call at, approximately,
4 7 a.m. in the morning from Don Wasson, and he had told me
5 that he had attempted to hire a political consulting firm to
6 help him in his attempt to become mayor of the city of Des
7 Moines, but up to that point, his efforts had been
8 unsuccessful -- that of the other consulting firms that he
9 had contacted, none of them wanted to take his race.

10 And I specifically remember talking to the man. He --
11 I think Don is a republican, although I'm not sure of that,
12 but he told me that he had first called the Madison Group
13 and had asked them for an RF [sic] -- had asked them to
14 represent him, and they, for some reason, either didn't --
15 either didn't respond to him or turned him down.

16 I think he had called other political consulting firms,
17 but the Madison Group is the only one that really stands out
18 in my head.

19 And he called me, and he asked me if I'd be interested
20 in his campaign. That's kind of how it started.

21 Q Do you know how he got your name?

22 A You know, I have no idea how he got my name.

23 And I receive telephone calls from clients, you know,
24 all over the country, much less all over the world, and I'm
25 in the political resources directory, so -- you know, and if

1 he had called up the democratic party or he had called up
2 some democratic activists, they may have given him my name,
3 but I'm not sure. In fact, I don't even think that he
4 called -- he called me. I think he called FDR Services.
5 When he first called me up, I don't think he even knew who I
6 was.

7 Q Okay. I want to take you through -- well, because we don't
8 need to repeat what you've said a number of times already.
9 There are just some specific things I wanted to take you
10 through. The first one was your meetings with Hank Hopkins
11 and Don Wasson. The first meeting you had where both you
12 and Mr. Wasson were meeting with Mr. Hopkins, can you tell
13 me how that meeting came about?

14 A When I had met with Don Wasson, we had gone through a list
15 of people who -- or organizations or companies that would
16 have a financial interest in supporting candidates for
17 public office for the city of Des Moines. And we went
18 through the list, and we prioritized them. There weren't a
19 lot of people. I think there were maybe 15, 20 people who
20 were on this list.

21 And we prioritized the top 10 or 15, and I told Don
22 that he needed to start calling up these people and
23 soliciting money. And he then called me back later on and
24 said: I've got two that I think that I would like you to
25 come and make -- help me make a pitch to, because I don't

1 really quite know what to say.

2 And Don -- one of the meetings that was set up was with
3 Hank Hopkins, and Don had set that meeting up.

4 Q Do you know who the other group was or person?

5 A You know, again, it keeps coming back to this
6 Des Moines Marine Association or -- and I know -- I know
7 that, at one point in time, that they had made -- they had
8 given, I think, Maggie Steenrod a check for \$1,000. It was
9 the same group. It was -- I know that, but I can't tell you
10 what the official name of the organization was.

11 Q And the first meeting you had with Mr. Hopkins, where did
12 that happen?

13 A I'm sorry. I can't remember. I have no idea where it was.

14 Q And who was in attendance?

15 A It was Hank Hopkins and Don Wasson and myself.

16 Q And what kinds of things did you talk about at that first
17 meeting?

18 A It was basically a sell job to try and get Hank Hopkins to
19 financially support candidates. Don did most of the talking
20 during the meeting -- talked about the fact that he had, at
21 least, three very strong candidates; that he thought that
22 they had a great chance of winning the race; that he hired
23 me; and that he was serious about winning this race; and he
24 was serious about doing whatever it took in order to win the
25 election.

1 Q Do you recall questions that Mr. Hopkins might have had for
2 either Mr. Wasson or for you?

3 A I know that Hank asked questions about the candidates, what
4 they were like, whether they were open-minded in terms of
5 his project.

6 I don't really think that we went into very much
7 detail, nor, if I remember right, do I think that the
8 meeting went more than 30 minutes. I don't think it was a
9 very long meeting.

10 Q During that first meeting, did you get the impression that
11 Mr. Hopkins knew who any of the candidates were?

12 A Oh, no. He -- I can tell you he didn't know any of the
13 candidates because he had a problem pronouncing Maggie
14 Steenrod's name. I mean, he didn't know any of the
15 candidates.

16 Q Okay. And just for the record, can you identify who -- the
17 four candidates that you were asked to meet?

18 A The four candidates would be Mike Foote, Maggie Steenrod,
19 Richard Benjamin, and Gary Petersen.

20 Q During that meeting, did you get any impression or did
21 Mr. Hopkins say what experience he may or may not have had
22 with political campaigns in the past?

23 A I don't think -- that was not part of the discussion at all.

24 Q What about -- at that point in time, what was your
25 understanding of what Mr. Wasson's experience had been with

1 political campaigns in the past?

2 A At the first meeting that I had with Don, he had told me
3 about -- that he was a City councilman for a number of years
4 in Des Moines, that a few years prior, he had run for
5 reelection and was defeated, that he learned his lesson
6 about how to run a campaign.

7 He had told me that he had been reading books about how
8 to run campaigns, and that's where he got the idea of hiring
9 a political consultant. I think that, you know, he probably
10 had above average for most of the local politicians that
11 I've met, in terms of campaigns, but he certainly would not
12 be able to go into the field of political consulting, you
13 know.

14 Q Okay. And prior to this first meeting that you had with
15 Mr. Hopkins, other than the sort of brainstorming session
16 that you and Mr. Wasson had, had you ever heard of
17 Mr. Hopkins?

18 A You know, I think I was asked that question beforehand, and
19 I'm not quite sure if I had ever heard of Hank Hopkins.

20 My former wife was a -- was and is a political
21 fund-raiser, and Hank Hopkins does contribute money to
22 political campaigns, and it would not be unusual if I had
23 met Hank at some type of a political gathering or a
24 political event, but I did not know Hank Hopkins at all.

25 I -- when I walked into the door, I didn't recognize

1 him at all. That doesn't mean to say that I haven't -- that
2 I may not have met him, but I just -- I don't -- I had no
3 friendship or working relationship with him at all.

4 Q Had you heard of the Wescott Company --

5 A No.

6 Q -- or Environmental Materials?

7 A I had never heard of any of the companies involved. In
8 fact, I didn't even -- I wasn't even sure where Des Moines
9 was, honestly.

10 Q Okay. So what was the outcome of that first meeting? What
11 was sort of the next plan that either you had or -- Well,
12 let's just start with that. Did you have an idea of what
13 you were going to be doing next, following that first
14 meeting between Mr. Wasson and Mr. Hopkins and yourself?

15 A Well, I -- during the course of the first meeting, when we
16 were making the sell that we had a chance of winning this
17 race, you know, Hank made -- Hank asked me the question: Is
18 there any way to know for certain if we can win this race --
19 if you can win this race or not, and how much money it would
20 cost in order to do this?

21 And I said: You know, there really is no scientific
22 way of guaranteeing this. I said: Most corporate -- I've
23 done a lot of surveys for corporations who have asked me the
24 very same question, and in almost every instance, the
25 results for these type of races come back and show that 65

1 to 70 percent of the electorate is undecided. And I said:
2 But, you know, if -- that would be one added element to
3 determining whether the race was viable or not. And that's
4 when Hank says: Well, you know, we're going out in the
5 field with a Gogerty poll. And that's where this whole
6 thing evolved from.

7 So I talked with him, and I said: You know, I can do
8 the survey for you, and I can probably do it for half the
9 price that Gogerty was going to charge you for it, and it
10 will be totally legal. And what I'll do is that I will just
11 add on four horse race questions for you. And so long as
12 you keep it separate and apart from Don Wasson and the rest
13 of the people, it's entirely legal.

14 Q Why did you -- why did you tell them that? I mean, why did
15 the discussion come up about keeping them separate from Don
16 Wasson's endeavors?

17 A Oh, because I -- because I made it clear to him that if I
18 did it, if I did the survey, that he was -- I would look
19 upon him as an employer, that the two were not -- the two
20 efforts were going to be different. I could not serve two
21 masters. And whatever I did for him was totally separate
22 than what I was going to do for Mr. Wasson. And in order to
23 get this contract, I wanted to make sure that he understood
24 that he would be my client, not Mr. Wasson, if I did this
25 survey.

1 Q And how did the PDC filing requirements become a part of
2 that?

3 A That came in later on. That came in, in really the second
4 meeting that we had.

5 Q Okay. So the first meeting you had with them, you don't
6 discuss anything, but sort of the -- the --

7 A You know, we might have. You know, I may have said that --
8 you know, he may have said to me: Is there any problem in
9 my doing this? And I may have told him that: You know, if
10 you contribute money later on down the line, you're going to
11 need to keep this separate.

12 But I don't -- you know, the two meetings kind of
13 joined together, and I'm not quite sure what was discussed
14 at one and what was discussed at the other, but at some
15 point in time that discussion did take place.

16 Q And during the -- this discussion you're having, Mr. Wasson
17 is in attendance?

18 A At the first meeting?

19 Q Yes.

20 A Yes.

21 Q And hearing all the discussion about the potential separate
22 client relationship you would have with Mr. Hopkins?

23 A Either at the first one or the second one, but I -- I mean,
24 this was, you know, a golden opportunity. I'm walking in
25 here, trying to represent this guy who is hardly going to be

1 paying me any money, but I'm doing it because I have nothing
2 else to do. And then Mr. Wasson pops up and says: Well,
3 I'm going to be doing a survey, and it looked like I could
4 pick up maybe ten, \$12,000 doing a survey, so --

5 Q And you mean, Mr. Hopkins?

6 A Mr. Hopkins.

7 Q Okay.

8 A So I became somewhat more animated once I found out that I
9 may have gotten another contract.

10 Q During the course of that first meeting, did you also -- or
11 did you form any impression about whether Mr. Hopkins would
12 be contributing money to these campaigns?

13 A He had -- he was very interested, and but he made it very
14 clear that he had to go back to his investor group, that
15 this was not a decision that he could make on his own, that
16 he needed to go back and talk to whoever his support group
17 was.

18 Q Okay. So, again, when you came out of this first meeting,
19 what was your understanding what your assignments were, for
20 lack of a better term?

21 A First of all, Mr. Hopkins was going to find out whether or
22 not they were going to do a survey. And if they were going
23 to do a survey, were they going to use Bob Gogerty and
24 Associates, or would they use me?

25 Secondly, I was going to be meeting with candidates,

1 and -- over the weekend, and I told them that I would have a
2 better impression about how feasible the race was, and that
3 I would report back to him -- that Don and I would report
4 back to him sometime the following week.

5 Q From that meeting, did Mr. Wasson come out with any sort of
6 expectation of what he would be doing during that period of
7 time?

8 A I don't think we discussed anything at that time. We were
9 out looking for money.

10 Q Okay.

11 A That's what we were doing.

12 Q So the next thing you do is what, with -- following your
13 first meeting with Mr. Hopkins and Mr. Wasson, between the
14 first and the second meeting you have with them?

15 A Then I believe -- I believe that I did the interviews of all
16 of the candidates that weekend. Don and I drove back from
17 wherever we had this meeting, and he had told me that he had
18 set up meetings with the four candidates on Saturday and
19 Sunday.

20 Q And did you meet with each of them?

21 A I met with each one of them.

22 Q And as a result of those meetings, which you've talked about
23 a little bit in your other statements, did you draw
24 conclusions about the candidacy of each individual?

25 A Yeah. I talked -- and I -- after I met with all of them, I

1 either called or I met with Don, and I talked with -- and I
2 gave him kind of a report of where I thought everybody was.

3 Q Did Mr. Wasson attend any of these meetings with you?

4 A Did Mr. Wasson?

5 Q Mr. Wasson attend the candidate meetings with you?

6 A Oh, no. He never attended any of the meetings with me. He
7 set -- he called them up, and he set the meeting.

8 I had never met any of these people before, and -- you
9 know, I'm trying to think -- I think it was Mr. Benjamin I
10 met at a Denny's. And I walked in, and I didn't know who he
11 was, and -- I mean, it was somewhat comical trying to walk
12 around trying to find a candidate for public office without
13 knowing who he was.

14 But Don had set up the meeting with all of these
15 candidates for me. They were -- I think most of them were
16 at Denny's, except that Maggie Steenrod wouldn't meet with
17 me other than in her office.

18 Q And during those initial meetings, and -- if you could go
19 through each person, what was their reaction to meeting with
20 you?

21 A All of them had told me that Don had called them up and had
22 set up this meeting, that their understanding was that I was
23 a professional consultant that Don had hired to assist them
24 in the campaign in any manner that was necessary, and that I
25 was meeting with them to kind of do an assessment of their

1 races.

2 And, secondly, I brought a brochure -- I brought a
3 portfolio of brochures and direct mailing pieces and, I
4 think, even some radio ads to show to them --

5 Q And --

6 A -- and to give to them, actually. I gave copies, I think,
7 to a number of them.

8 Q And you can just start from the top. What was
9 Mr. Benjamin's reaction to the kind of assistance that
10 Mr. Wasson was going to be providing through you?

11 A He was probably the most surprised, because he believed that
12 Don had supported the other candidate in the primary and
13 that -- there were two challengers in that race, and Richard
14 Benjamin was the surprise winner of that race. And he had
15 expressed to me the fact that he was almost certain that Don
16 was working behind the scenes in support of this candidate,
17 and he was very surprised that Don was willing to provide
18 him with assistance.

19 Q Mr. -- one of Mr. Petersen's -- well, before we go on --
20 Strike that.

21 Before we go on to Mr. Petersen, did -- from your
22 impression, did Mr. Benjamin welcome your assistance?

23 A Oh, absolutely. And not only did he welcome it, he started
24 calling me up all the time, even before I gave the
25 assessment to Mr. Wasson. He was probably the most

1 enthusiastic of them all.

2 Q Okay. What about Mr. Petersen?

3 A Mr. Petersen was a strange candidate because immediately
4 after the primary, he went on vacation for two weeks. I've
5 never had a candidate ever do that before, nor -- not only
6 did he go on vacation for two weeks, but he failed to file a
7 voter pamphlet statement or picture. It was as if he didn't
8 care.

9 And I'm not quite sure who I talked to about him to get
10 some background information about him. I believe that Don
11 had set up a meeting with somebody from the Chamber of
12 Commerce who was close to Gary Petersen, who came to talk
13 with me kind of as a replacement until Gary returned.

14 But it was clear to me, just by the very nature that
15 this man had left for two weeks and that he didn't even put
16 a picture in or a voter pamphlet statement, that he needed a
17 significant amount of help.

18 Q So when you had these initial meetings with these
19 candidates, was Mr. Petersen there for your meeting, or was
20 somebody else there?

21 A Somebody that Don had talked to had come to represent Gary,
22 but Mr. Petersen was gone on vacation when I did the
23 interviews.

24 Q Do you remember who the person from the Chamber was?

25 A You know, I can't. I mean, I could describe who he -- what

1 he looked like, but for the life of me, I can't remember who
2 he is.

3 Q From that meeting, did you get any impression of whether
4 Mr. Petersen would welcome your assistance or not?

5 A The person who I interviewed thought it was great that
6 somebody was coming to help. He liked the direct mail
7 pieces that I had shown him. And he, basically, you know,
8 agreed with me that, just by being on vacation and all of
9 this other stuff, that Gary was going to need as much help
10 as he could.

11 Q Okay. Mr. Foote. You met with Mr. Foote?

12 A I did meet with Mr. Foote.

13 Q And what was Mr. Foote's reaction to meeting with you or
14 having that arranged?

15 A He was clearly the most animated person. He wanted to win
16 at any cost and had told me that, you know, he had known
17 about my career and some of the campaigns that I had done,
18 and that he would do -- he would just about follow anything
19 that I asked him to do.

20 Q And then, finally, Ms. Steenrod?

21 A Ms. Steenrod? She was the most reluctant and the person who
22 did not want any of my assistance. We went into this very
23 long, philosophical discussion about how people of my ilk
24 were destroying the political process, and that she simply
25 did not want any of my assistance.

1 And then she made it very clear that she had filed for
2 limited reporting, that she was close to the \$3,500 limit,
3 and that even if she wanted to hire me, she couldn't because
4 of the financial limitations of the reporting.

5 I even tried to give her copies of brochures. She
6 wouldn't take it. She wouldn't take a thing from me.

7 Q Following this -- each of these meetings, did you then
8 report back to Mr. Wasson your initial assessment -- or both
9 to Mr. Wasson and Mr. Hopkins?

10 A I first met with Don Wasson, or I -- I either met with him,
11 or I talked to him. I think it was a Monday or the Tuesday
12 after I had met -- I told him my impressions. I told him
13 that I thought that -- that I thought I could win all four
14 races, but the fourth one would be the most -- the third and
15 the fourth would be the most difficult. But I thought that
16 the candidates were all willing to work hard, they were
17 willing to take direction, and that I thought that we could
18 win.

19 Q Who -- you, obviously, have ranked them in order in your
20 head, the third and the fourth being the most difficult.
21 How did they rank out for you, as to winnable to most
22 difficult?

23 A I thought that Maggie Steenrod was going to win
24 notwithstanding. She was ahead in the primary against an
25 incumbent. She is one of the smartest women that I've ever

1 met. She has a will of steel. And she was doing everything
2 right. And she's a perfect -- as far as I was concerned,
3 she is what I would hope more people are like when they run
4 for those type of offices. She's a dynamite candidate, and
5 it came through to the public. Her whole family was
6 involved in her campaign, and I knew she was going to win
7 with or without our assistance.

8 I did tell her at the time that I met with her, that at
9 some point in time, the ACC and her opponents would send a
10 negative mailing out, hitting her, and at that point in
11 time, she was going to have to make some hard decisions on
12 how she was going to respond, and that is where I thought I
13 could help her the most.

14 But, clearly, Maggie Steenrod, I was sure was going to
15 win.

16 Even though I had not met with Gary Petersen, the
17 reports that I heard from people were very encouraging in
18 terms of his name, identification, and how, in essence, he
19 was beloved by the community. And I thought that that --
20 that he probably -- he had a difficult race, but he was
21 fortunate in that he was not running against what I thought
22 was a very difficult candidate. And if, in fact, the
23 assessment was correct, about how well known he was, I
24 thought that he would need assistance, but that he could
25 win.

1 The third candidate on the line would be Richard
2 Benjamin. He was running against a qualified, classy
3 candidate who I thought -- who, in prior elections, had won
4 by above-average margins and who was running a good
5 campaign. And I do not think that Richard matched up well
6 with him intellectually, ideologically, or in any other way,
7 and I thought that would be a difficult race.

8 And then Mike Foote, I met -- he clearly was going to
9 be the most difficult candidate. He had a really rough
10 exterior. He had run for public office before, was somewhat
11 known by the community. As soon as I met him, I knew that
12 he would not be well received by the public. And, in fact,
13 if I had provided him with assistance, I would not have had
14 him go out on the campaign stump. I would not have let him
15 campaign. I would have let the direct mailings and other
16 things carry the campaign for him.

17 Q And this was the information that you communicated back to
18 Mr. Wasson?

19 A That's correct.

20 Q Okay. And how long after that did you meet with Mr. Hopkins
21 and Mr. Wasson again?

22 A You know, I think it was like a day or two, because -- you
23 have to understand; this was -- this was late September.
24 Time was running short. There were only four weeks to --
25 four weeks left in the campaign, and it was a very tight

1 deadline on when we were going to have to get all this stuff
2 done. If we were going to do mailings or any of these other
3 things, that takes time to get printed and collated and
4 everything else.

5 Q As far as the second -- sort of the logistics of the second
6 meeting, do you remember who set it up?

7 A I believe that Don set it up, but I can't tell you that for
8 sure.

9 Q And where was it?

10 A I should remember this, but I don't. I don't remember where
11 it was.

12 Q Did this one last a similar amount of time as the first one,
13 or shorter, or longer?

14 A I think it was actually a little longer, but it really was
15 not that long of a meeting. It may have been 35,
16 40 minutes. I'm sure it was less than an hour.

17 You know, I'm almost certain that it was in Bellevue.
18 I'm almost certain that the meeting was in Bellevue, because
19 I remember driving back with Don to Des Moines.

20 Q Okay. And what transpired at the second meeting with
21 Mr. Hopkins and Mr. Wasson?

22 A I had told Mr. Hopkins that, with the right amount of money,
23 that we could win the race, that Don was in the process of
24 raising money from other sources, but that, you know, we
25 needed as much money as we could because of the limited

1 amount of time available to us, and that either he made a
2 decision immediately, or else every day that passed would
3 increase the amount of money that I would need in order to
4 win the races.

5 I gave him a brief overview of the candidates, and, you
6 know, I told them that I was certain that I -- I was fairly
7 certain that -- I knew that we could win two, and there was
8 a possibility that we could win four, but it really depended
9 upon how much money we had and the breaks of the game.

10 Q Did he ask you -- Mr. Hopkins ask you questions during this
11 second meeting about the actual candidates themselves?

12 A You know, no. No. He hardly asked me any questions about
13 the candidates at all. He just wanted to know -- he -- the
14 questions that he asked were actually to Don. It wasn't --
15 he didn't ask me questions about the candidates. He was
16 interested in knowing about what their positions were and --
17 you know, and whether -- what their positions were regarding
18 the third runway. You know, he was not interested in the
19 political end of how we got these people elected. He was
20 more interested in learning from them whether they had an
21 open mind towards his project.

22 Q Okay. What were the results that came out of that
23 particular meeting?

24 A Number one, Hank said that his group would do the survey,
25 that although they didn't want to do the survey that

1 quickly, that they were going -- they would go ahead with
2 the survey, and he'd like to pop in four questions on the
3 horse race.

4 Secondly, he said that he would financially contribute
5 to the campaigns, but he could not say how much, I think, at
6 that time. He had asked me how much money I needed, and I
7 told him that I wanted under \$20,000, and he said: I don't
8 think I can do that. But I told him that's how much that I
9 wanted. I thought -- I told him that I thought a lot
10 depended upon how much other money that Don could raise from
11 other groups.

12 And, you know, as I -- I think I said in my two other
13 interviews, we had a discussion about reporting requirements
14 and the PDC.

15 Q In what terms?

16 A Hank was very concerned about contributing under \$20,000, a
17 large amount of money, and the publicity that it would bring
18 to he and his company, and he wanted to be assured that the
19 law was followed and that we were doing everything
20 aboveboard. And it was probably the only time where I ever
21 saw him where he was very determined and he wanted to make
22 sure that he was not doing anything illegal.

23 Q In what way illegal?

24 A I mean, he had no understanding of what he had to do as a --
25 as a contributor. For instance, he said: Do I have to

1 report anything? Do I have to do anything? If I give you
2 the money, what do I have to do? And I said: So long as
3 you contribute less than \$5,000 per candidate, you do not
4 have any financial reporting requirements.

5 But if you start -- you report anything more than that,
6 or if you're outside of this 20-day period, then you can
7 make contributions. But I said: You do not have to -- as
8 much as I know, you do not have to make a financial
9 disclosure to the Public Disclosure Commission so long as
10 you keep within that limit. I told him that the candidates
11 were the ones who were responsible for making the
12 contributions public, and that, you know, Don was the one
13 who was going to be taking care of that.

14 Q What was your understanding of his concern about the
15 publicity for his company?

16 MR. VANCE: Let me just object to the form of the
17 question as to the extent it calls for speculation.

18 MS. DALTON: Okay.

19 MR. VANCE: I would ask that the witness be asked
20 what Hank said rather than what his understanding of his
21 concerns were.

22 Q Go ahead and answer the question.

23 A You know, I don't want to make this to appear like it was
24 more than it was, because it was probably less than a
25 four-minute discussion -- four- to five-minute discussion

1 about the PDC. So, you know, kind of we're putting a
2 microscope on something that wasn't a major part of the
3 discussion.

4 He had just made the comment that he did not want --
5 and it was like one sentence: I don't want to get my
6 investors or my company in the public limelight. I want to
7 make sure that whatever we do, we follow the law.

8 That's about all he said.

9 Q Did you explore that comment with him at all at this
10 particular meeting?

11 A No.

12 Q At that particular meeting, did he make any contributions?

13 A No, he did not make any contributions at all.

14 Q Did he commit at that point to making any contributions?

15 A He said that he would make a contribution to the campaign,
16 although he needed to go back to his investor group and
17 discuss the issue with them.

18 Q And the issue being what?

19 A He had to discuss how much, if any, money the group would --
20 the Wescott Company would be willing to make to the
21 campaign, but at that point in time, he would not commit to
22 making any financial contributions to the campaigns.

23 Q Do you know if, at that point, he had actually made any
24 financial contributions to the campaigns?

25 A No. I -- you know, at the meeting that I was at, neither

1 Hank nor Don said anything at all about having received any
2 money. I thought this was a blind call and that -- I was
3 unaware that there was a thousand-dollar contribution
4 already made.

5 Q Okay.

6 A And I'll add that it wasn't as if they were trying to keep
7 it away from me. It just wasn't something that was
8 discussed.

9 Q At that point, then, you do a survey for Mr. Hopkins?

10 A Yes.

11 Q And Mr. Wasson knows that you're doing a survey?

12 A Correct.

13 Q But I believe that you've stated he didn't know anything
14 about the actual survey itself, the process of it, what it
15 said, those kinds of things?

16 A He did know, from the first discussion, that there would
17 probably be four questions -- horse race questions on there,
18 but -- and, secondly, he knew that I was going to be using
19 the survey from -- that was taken by the Gogerty Group, and
20 I was going to be using a number of those questions in the
21 survey, but that's all that he knew.

22 Q Okay. Once you -- how long did it take you to complete the
23 survey?

24 A I'm not quite sure -- if you mean, how long did it take me
25 to write the survey, the whole process from --

1 Q From approval by Mr. Hopkins to delivery of product to
2 Mr. Hopkins took about how long?

3 A It probably took a week -- at least a week to ten days.

4 You know, you have to understand; I had just returned
5 from Poland. I had no other contracts that I was really
6 working on. I was as free as a bird, and I had nothing else
7 to do other than to write the survey, send it out to the
8 McGuire Group.

9 While it was going out to the McGuire Group, I was
10 working, and they were out in the field. I was doing the
11 demographic work, and -- so I think it was seven days. I
12 had to get it done quickly, so I worked on it almost
13 full-time.

14 Q During the period of time that the survey is processing,
15 were you doing any other work with Mr. Wasson in the
16 community about fund-raising?

17 A We had -- I had talked to Don almost every single day. From
18 the day that Don hired me throughout the course of the
19 entire time, I'm sure I spoke with him, at least, once a
20 day, and I'm sure that I had talked to him during this time
21 period.

22 I may have met with the candidates again one time
23 more. In fact, I almost think I had met with Richard
24 Benjamin. And I think that sometime during that time
25 period, Gary Petersen had just come back into town, and I

1 had met with him.

2 Q But with respect to this list of this 15 or 20 groups or
3 individuals for additional fund-raising, were you doing any
4 work on additional contributors to these campaigns?

5 A I know that I made -- I know that I made at least two phone
6 calls on his behalf to names of people that he gave to me
7 that he said he felt uncomfortable calling because they had
8 something before the City Council.

9 Q And he, being Mr. Wasson?

10 A Mr. Wasson asked me to make -- that -- you know, I told him
11 I was not a fund-raiser, that he needed to make these phone
12 calls himself. But there were two phone calls that he felt
13 uncomfortable with making, and I volunteered to call those
14 two people.

15 Q Do you remember who --

16 A And -- I'm sorry.

17 Q -- that was?

18 A I don't remember who they were.

19 Q Okay. Any other activity that you can recall doing during
20 the time that the survey was being processed?

21 A No.

22 Q Survey gets done. What happens next?

23 MR. FRUSH: Is this a good place to take a break?

24 MS. DALTON: Would you like a break, Mr. Frush?

25 Okay. We can go off the record.

1 (Off the record.)

2 MS. DALTON: Would you please read him the last
3 question?

4 (Last question read.)

5 A The survey gets done, and I -- Hank Hopkins set up a
6 meeting. I finish writing the report, and I made a
7 presentation to Mr. Hopkins and to a number of people,
8 giving them the results of the survey.

9 In terms of the issue that we're interested in today, I
10 told them, basically, that the results of the survey showed
11 that 65 to 70 percent of all the voters were undecided, as I
12 had told them it probably would show; that all the races
13 were up in the air; that, really, the only candidate who was
14 ahead in the survey of the four candidates that we're asking
15 them to support was Maggie Steenrod; but that with
16 70 percent undecided, every race was up for grab, which
17 means that, given the right amount of money and the right
18 profiling, we -- I could win each and every one of the
19 races.

20 Q (Ms. Dalton continuing) So when you get done with putting
21 together the information, your report on the survey,
22 Mr. Hopkins, you said, set up the meeting?

23 A I called up Mr. Hopkins, and I said: It's going to take me
24 a few days to get this printed. Do you want me to send over
25 the copies so you can preview it, or do you want me to make

1 a visual presentation? But you need -- we need to get this
2 meeting done as quickly as possible.

3 He said that he needed time to see who could attend
4 this preview meeting. They wanted an oral presentation from
5 me as well as a written report. And the meeting was set up
6 in a day or so later.

7 Q Do you recall where the meeting was?

8 A It was in Bellevue. It was at this helicopter -- the owner
9 of a helicopter company in Bellevue.

10 Q Do you recall who was actually at the meeting?

11 A There was one female, whose name I think is Kathy
12 (phonetically), and there were three or four other
13 gentlemen.

14 Q So about half --

15 A There were four --

16 Q -- a dozen people?

17 A -- or five people. You know, there were five or six people.

18 Q Okay. And you had said previously that you had done a
19 slide-show presentation of the results of your survey?

20 A They had a -- I don't if it's -- No. It's not a slide
21 presentation. It was a -- where you put a clear plastic
22 down and -- with an overhead projection.

23 And I had this -- what I did was, I showed the results
24 by demographic categories of how things had shifted, if any,
25 between the last survey and the survey that I had done.

1 Q And did you keep that -- whatever you used to make that
2 demonstration, the overhead?

3 A No. I -- I'm sure I threw it away.

4 Q The results of the survey itself -- you said you did a
5 written report. Did you pass that out to these individuals
6 who were there?

7 A I had -- I think I made ten copies, of which I gave -- I
8 gave them out to them.

9 Q Did you retain a copy?

10 A No, I did not.

11 Q In one of your previous --

12 A Let me clarify that. I may very well have, and I have
13 looked for it. I just don't -- I haven't found it.

14 I moved my offices. We used to have an office in
15 Downtown Seattle, and I've moved it into my home office.
16 And if you can imagine, 18 years of political files all in
17 one place -- I think I may have kept a copy. I've looked
18 for it, and I can't find it.

19 Q Okay. In one of your other statements, you made the comment
20 that you had assumed something like this would happen, so
21 you didn't keep copies of the survey. What did you mean by
22 that?

23 A I thought that there was a high probability, given the
24 strong feelings both sides had towards the SeaTac Airport
25 issue, that if, in fact, I was successful and I won all four

1 races and we took over the City Council, that there would be
2 this type of an investigation.

3 Q Did you think that at the time you were making the
4 presentation to Mr. Hopkins and his investors?

5 A Absolutely. Yes.

6 The fact of the matter is -- is that, as I did all of
7 these interviews with the candidates -- and the more I
8 learned about the city of Des Moines -- it is such a
9 divided, polarized community -- that I knew that either side
10 was going to raise a stink about the results of the
11 election.

12 Q Did you ever convey that information to Mr. Hopkins or his
13 group during this presentation?

14 A No, I don't think I did.

15 Q Did you ever voice it to Mr. Hopkins post-presentation?

16 A I actually think that I told them that at either the first
17 or second meeting that I had. I told them, when Hank said
18 to me: You know, I want to make sure that this is entirely
19 legal -- I said: It needs to be kept legal because of
20 the -- what's going to hit the fan if we're successful.

21 Q Can you tell me why Mr. Hopkins gave the contributions
22 directly to you?

23 A Yes. By the time all of the decisions had been made and he
24 had decided that he was going to give -- he was going to
25 contribute to the campaign, we were maybe three weeks out

1 from the election -- three to four weeks out from the
2 election.

3 And I was hoping that he could give me one check and I
4 could just run with it. But because of the way that he was
5 able to get the money -- he called -- he said that he had to
6 go out for a call -- the money just dribbled in. And I
7 would call him up, and I'd say: Hank, I really need this
8 money. I need it now. And I kept prodding him and prodding
9 him. And there was some question in my mind whether all of
10 the money was going to come at all, just because of how slow
11 it was coming.

12 And I had to do -- the first project I think we did was
13 for some phone calling from McGuire Research, and Hank was
14 supposed to have given us a check, and it just -- and I had
15 to go with the project, and the check was late -- and it was
16 two days late. I had to forward a check of my own money to
17 get the project going.

18 So it was just a -- there was a very limited amount of
19 time. The money was not coming in as quickly as I wanted it
20 to come in, nor was it coming in a bulk amount. It was
21 dribbling in, and time was just of the essence.

22 And there was no way that I was going to take the
23 check, go to Des Moines, give it to Don, have Don give me
24 the money back -- it just wasn't feasible in terms of the
25 limited amount of time I had, and that's how that whole

1 thing created -- was created.

2 Q During the course of the presentation, can you give me --
3 were there questions asked by the individuals who attended,
4 other than Mr. Hopkins, about the race there?

5 A They were -- the people who were there really were not
6 interested in the race. I mean, I was somewhat surprised by
7 that. They were interested in the differences of people's
8 perspective towards the third runway issue. That was,
9 basically, the major discussion that took place.

10 And the thing that surprised them the most was that
11 there was a significant trend showing that, although -- I
12 think it was 75 to 80 percent of the people were against the
13 third runway -- that 65 to 70 percent of the people did not
14 want any more of their money spent in the fight.

15 And the discussion was, basically, on the third
16 runway. It was not on the campaigns at all.

17 Q Did the -- while you were there, was there any discussion
18 about making contributions to these candidates?

19 A I did briefly talk about the results of the survey about the
20 high undecided, but I -- there was no discussion at all
21 about the money at all. I didn't know who these people
22 were. I didn't know if they were the people who were making
23 the decision, and even if they were the people who were
24 giving the money, so I thought it was inappropriate to ask
25 about the money at that time.

1 Q What did Mr. Hopkins convey to you about the purpose of this
2 presentation?

3 A The purpose of the presentation was that they had paid me a
4 significant amount of money to do this survey, and they
5 wanted -- they wanted me to give a presentation to the
6 group. That's what it was.

7 Q And just for the record here, the amount of money that they
8 paid for the survey was \$29,000?

9 A I believe that's what it was.

10 Q Okay. Besides the individuals in the room, do you know who
11 else may have gotten copies of the results of your survey?

12 A Well, once I gave the survey to them, I was going to say
13 that was kind of the end of it, but, in fact, it was not the
14 end of it. I believe -- now that my memory is coming back,
15 I believe that they had another meeting that they asked me
16 to come to -- to give another presentation to -- and this
17 had some of the old people and some of the new people.

18 Q Do you recall when that was, in relationship to the first
19 presentation you made?

20 A It was the next week, maybe seven to eight days later. And
21 there were people who could not make the first meeting that
22 wanted to have an overview of the information, because some
23 of the results were pretty startling to them.

24 Q At the second meeting you had, were there any questions
25 raised about the issue of contributing to candidates'

1 campaigns?

2 A No. There was none.

3 Q Do you know of anybody else besides Mr. Hopkins and his
4 investors, the ones that attended these two meetings, who
5 got copies of the results of the survey?

6 A I have no knowledge of who those books went to.

7 Q Okay. Do you know if Mr. Wasson ever got a copy of the
8 survey results?

9 A To my knowledge, he never did. I -- he did ask me what the
10 results of the survey were, and I told him I couldn't tell
11 him that. So that leads me to believe that he never got a
12 copy of the survey, but again, I have no personal knowledge
13 either way.

14 Q Following these two presentations, do you know what, if
15 anything, Mr. Hopkins did with the survey results?

16 A I have no idea what he did.

17 Q During the course of either one of these two presentations
18 to Mr. Hopkins and his investors, did the issue of the
19 Public Disclosure Commission come up, as far as the
20 discussion?

21 A No.

22 Q If I understand the money trail right, with respect -- Well,
23 let me ask you this first: Once these presentations are
24 over, how do you learn that there's going to be additional
25 contributions to these campaigns --

1 A Well, there were no --

2 Q -- the four races?

3 A -- no contributions up to that point other than the money
4 that Don Wasson had given me from his own private funds. Up
5 to that point, there was no money transferred to me.

6 Q And that's from your own knowledge? You wouldn't know if
7 Mr. Hopkins had given Mr. Wasson --

8 A That's correct.

9 Q -- money? Okay. So at that point, when do you and
10 Mr. Hopkins have any more communication about contributions
11 to candidates?

12 A It was either at the end of the first meeting of the
13 investor group, where I gave the reports of the survey, or
14 it was in between the first and the second meeting by
15 telephone.

16 And I asked Mr. Hopkins -- that time was of the
17 essence, and if they were going to make a contribution, it
18 was either now or never.

19 Q And what did he say?

20 A And he said: We're willing to go with the \$20,000. We're
21 willing to contribute the \$20,000.

22 Q And at that point, had you asked for \$20,000?

23 A I told him that -- at the meeting that I needed less than
24 \$20,000.

25 Q Okay. Because I --

1 A If I could have, I could have -- I would have gotten
2 \$19,995, but that isn't what happened.

3 Q Because I don't want to run into the same problem here
4 that -- with the second --

5 A Correct.

6 Q -- calling the contributions amounts --

7 A Right.

8 Q -- what it is. Okay. And can you just tell me how you got
9 the monies from him -- physically how you -- how that
10 happened?

11 A It was -- the first check that he gave to me -- and I'm not
12 sure of the amount -- I went to the Bank of America. He
13 gave me the check. I'm not sure how I got the check, but
14 the first check he gave to me -- I remember very clearly --
15 I went to Bank of America, and they said that they were
16 putting a five-day hold on it. And it was -- it was
17 ridiculous.

18 And, you know, we have this complicated problem of my
19 not getting the large chunk of money that I thought I was
20 going to get and time dwindling down in terms of the
21 production of the direct mailing pieces and all, and then
22 the bank tells me that they're putting a five-day hold on
23 these checks that I'm getting; it couldn't work that way.

24 And I called up Hank, and I said: You're going to have
25 to give me cashier's checks, and you're -- I need all of the

1 money up front if you can do it, but I can -- if this isn't
2 going to work -- and you may -- you probably shouldn't even
3 contribute any money if you can't get the money to me more
4 quickly than what you're doing.

5 Q The first check -- I'm assuming from your statement here,
6 the first check didn't come as a cashier check. It came as
7 some other --

8 A I don't --

9 Q -- type of check?

10 A -- remember how it came, but I know, specifically, the Bank
11 of America -- my bank put a five-day hold on it, and I just
12 went berserk --

13 Q Okay.

14 A -- because I had already written a check out to, I think,
15 McGuire Research, and I was being strung out for -- for
16 money.

17 Q Okay. And during this process, was Mr. Wasson aware that,
18 you know, there was this money problem -- money flow
19 problem?

20 A Yes. There is no question that -- because Don had this
21 fixation about buying yard signs and taking newspaper ads
22 out. And he's a very visual person, and he wanted to do it
23 the old way. And I had really told him, after I had done
24 all of the assessments and all of this other stuff,
25 that yard signs were not the way of doing this campaign.

1 But to try and make him -- in order to have a working
2 relationship with him, I told him that we would buy -- we
3 would have yard signs made, but just not there -- then. And
4 he was myopic about getting his yard signs, and always --
5 every conversation we had was, he wanted, you know, that one
6 thing rather than looking at the overall, big picture.

7 We had -- as I told you, I -- Don and I spoke nearly
8 every day together, and we talked about what I was doing for
9 each candidate and what their chances of winning were.

10 Q And during that period of time, what exactly -- you know,
11 the first check comes in. You've spent money on McGuire.
12 McGuire was used for the advocacy calls?

13 A Yes. Yes.

14 Q Were there any other actions going on besides the advocacy
15 calls --

16 A I called up a number of writers to see what their
17 availability was like, and I hired Mike Snyder, who is a --
18 he used to work for FDR Services and now is a consultant
19 that does work for me. And I asked Mike if he would come
20 with me and meet with all of these candidates, and to come
21 back to me and make a recommendation on what type of pieces
22 he thought we needed to do for them. I had in my own mind
23 what I wanted to do, but Mike and I have this great
24 relationship where we kind of feed off of each other.

25 So, on the one hand, I had Mike Snyder come in and

1 start the process of getting this stuff going. I talked
2 with each of the candidates -- all of the candidates,
3 telling them what I thought they needed to do in the short
4 term on their own without my assistance.

5 And I think that's about it. I think that's what was
6 going on.

7 Q Okay. Let me go back just for a second because I want to
8 just see if, during the interim between your statements, if
9 anything has changed.

10 When you originally were giving your statements to the
11 Public Disclosure Commission, you were pretty positive that
12 Mr. Wasson had given you \$2,000?

13 A I know -- I know he gave me \$2,000. He gave me two checks.

14 Q Okay. But no one's ever been able to produce a second
15 thousand dollars.

16 A I'm almost certain -- you know, the more that I thought
17 about it, I believe that the second check was a company
18 check.

19 Q From whose company?

20 A Well, it was not a personal check. And I think, actually,
21 in my first deposition, or in one of my surveys, I actually
22 said that I thought it was a company check. And there is no
23 question in my mind that I received two checks from him,
24 each for \$1,000.

25 Q One personal --

1 A One of them was a --

2 Q -- one for him?

3 A -- personal check from him, and I think -- I'm almost
4 certain I said in one of my interviews that the other one
5 was a company check. I'm not sure if it was his company's
6 check or if it was another company's check, but I clearly
7 received two checks from him.

8 Q Okay. Each of the checks that came from Mr. Hopkins, did
9 they come from him directly to you?

10 A I believe so, but I can't be certain of that. Again, it was
11 a very chaotic time of my trying to get all of this work
12 done and trying to pick up these intermittent checks that
13 were just very slowly coming in.

14 Q To the best of your recollection, did Mr. Wasson have any
15 role in moving the checks from Mr. Hopkins to you?

16 A I actually called up Don early, when the first check came in
17 late and the bank put a hold on it. I'm sure that I asked
18 Don to call up Hank and to encourage him to give me the full
19 amount of money, not the dribbling money that was coming
20 in. In that extent, I did ask Don to help me.

21 In terms of picking up the checks, I didn't ask Don to
22 do that because he was doing a lot of other things, and I
23 thought that was my job.

24 Q Do you know whether Mr. Wasson ever knew exactly how much
25 money came from Mr. Hopkins to you?

1 A I specifically -- as I was -- when we had -- again, going
2 back, when we had this meeting with Don Wasson, Hank
3 Hopkins, and myself, I said at the meeting: The way the
4 division of authority will be -- that I will produce the
5 product, and Don will take care of the PDC work and will be
6 responsible for dealing directly with candidates if anybody
7 goes south on me.

8 Q Meaning --

9 A And from --

10 Q -- what, in --

11 A Meaning that they --

12 Q -- in your world?

13 A -- they -- meaning that they wouldn't do what I asked them
14 to do.

15 Q Okay.

16 A That I needed him to be the hammer, to make sure that they
17 were following the script that we had all agreed to follow.

18 Q And you all had agreed to follow, meaning who? Who had
19 agreed to follow?

20 A Don and I had agreed that he would not make the decision on
21 how the money was going to be spent on his own, that it was
22 a joint decision between himself and me.

23 Q Did -- Mr. Hopkins, also, was aware of the types of
24 activities that you were going to be undertaking on behalf
25 of these candidates?

1 MR. VANCE: Objection to the extent it calls for
2 speculation.

3 Q Go ahead.

4 A He was only involved in this -- in the second meeting in the
5 discussion where Don started saying, you know: We're going
6 to use this money for yard signs -- and all of this. And I
7 said: No, no, no. We're not -- we haven't made the
8 decision on how the money is going to be spent. That's
9 about the only extent that I can remember of -- where Hank
10 would be involved in the discussion of how the money was
11 going to be spent.

12 Q During your meetings between you and Mr. Wasson and
13 Mr. Hopkins, did you talk about -- the first two -- ones you
14 had before the survey, did you talk about the issue of
15 advocacy calls, you know, that kind of behavior, because it
16 had been used in campaigns before?

17 A I may have said to him that there are a lot of weapons in a
18 political consultant's arsenal, and that you have direct
19 mail, you have yard signs, you have advocacy calls. There's
20 lots of things that you can do. But if I said anything
21 other than that, it would have been very superficial.

22 He was not interested in how the job was to be done.
23 He just wanted results.

24 Q Do you remember how you communicated with Mr. Wasson about
25 how much money was being spent for each candidate?

1 A When -- initially, we had come up with -- after the second
2 meeting, we had discussed that we would spend under \$5,000
3 for each candidate, and as time went on, I would give
4 him, in almost every instance, but not in every instance --
5 but in almost every instance, I would give him a written
6 invoice. I would give him a sheet which said, you know:
7 These are the amount of monies that are spent on these
8 different campaigns, and this is how you're supposed to
9 report it.

10 But not --

11 Q You'd give it to Don?

12 A -- not in every instance, because, again, it was very
13 chaotic. There were -- we had a very limited amount of
14 time.

15 But a number of times when we had met, I would give him
16 an invoice or a memo -- I won't call it an "invoice" -- a
17 memo saying: Don, this is how much money I've received from
18 Hopkins, and this is how much money I've spent per
19 candidate.

20 Q And who were you -- which candidates were you spending on at
21 that point?

22 A Well, we had -- as I told you, the initial decision was that
23 we were going to spend an equal amount of money per
24 candidate.

25 And along with everything else that was happening, Mike

1 Foote had a television report come out that accused him of
2 sexually assaulting a tenant in his apartment building.

3 And when I -- I had met with Mike Foote, and I had a
4 long discussion with him about it, about how he could handle
5 it. And he -- I had, actually, two meetings with him. And
6 when he refused to do what I asked him to do, I told him he
7 had no shot of winning the race.

8 And I went back to Don, and I said: Don, write him
9 off. We're going to have to win three out of three. So
10 Mike Foote was taken out of the equation.

11 Then Maggie Steenrod had told Don and had told me that
12 under no circumstances would she accept any financial
13 contributions from us, nor would she even meet with me. So
14 she was taken off the table.

15 So the two people who were really left that we had to
16 influence was Gary Petersen and Richard Benjamin, and
17 that's, basically, where we spent the bulk of our money, is
18 on those two candidates.

19 Q And you calculated -- you said you calculated \$5,000 per
20 candidate, and you arrived at that calculation even though
21 Ms. Steenrod had told you way -- at the very first time you
22 met her that she didn't want any assistance?

23 A Well, but remember, when we had discussed the issue with
24 Hank Hopkins was before -- the initial meeting that we had
25 was before I had met with any of the candidates, and then

1 that's when I told them how we were going to divide this --
2 you know, that we were going to go under the \$4,900.

3 And, in fact, even when Maggie Steenrod had told me,
4 after the first meeting, that she did not want any money
5 from us, Don told me unequivocally that he had a great deal
6 of influence over her and that she would, in fact, in time,
7 take our financial support.

8 Q When did he tell you that, in terms of the time lines?

9 A Again, we have the initial meeting with the three of us. We
10 have the weekend when I met with candidates. Then we have
11 the second meeting. It was clearly after all of my
12 interviews with the candidates, and I'm not sure if it was
13 prior to or after the second meeting.

14 Q And with respect to some of the work you did and,
15 specifically, about Maggie Steenrod, in one of your
16 statements, you said that, as what you thought, a group came
17 out with a mailing anti-Ms. Steenrod. And I think that what
18 you said is, they panicked after that mailing. And then in
19 reaction to it, you did some advocacy calls on her behalf.
20 Who was they? Who panicked?

21 A Don Wasson called me up, and he said the ACC sent out a hit
22 piece on Maggie. And I called up Maggie, and this was the
23 first time that I had talked with her since the initial
24 interview meeting. And I called her up, and I just gave her
25 a bad time. I said: I told you they were going to do this

1 to you.

2 And she just -- we had like an hour discussion where
3 she just went through the roof about how slimy the attack
4 was and all of this other stuff. And she's a delightful
5 person to talk to. And then I kind of left it at that.

6 And then Don called me up, I think, the next day, and
7 he says: She's in trouble, and we need to save her.

8 Q When you say, you know, they panicked, who were you
9 referring to as "they"?

10 A Maggie and Don.

11 Q Okay. So she, at that point in your mind, was panicking
12 because of this -- the mailing?

13 A Don called me up, and he said: They did a hit piece on her,
14 and she's in trouble. You know, you may want to call her.

15 But however it occurred, I called her up, and I had a
16 long discussion with her and was giving her a bad time about
17 the hit piece.

18 Q At that time, I believe that you stated that Mr. Wasson made
19 a determination that advocacy calls would be made on her
20 behalf?

21 A He called me up, and he said that: I don't think that
22 Maggie can survive this hit with us -- without us doing
23 something. It was so late in the game that there wasn't any
24 way that I could put a mailing together or -- to do anything
25 else. The only thing that we could do at that point in time

1 was the advocacy calls.

2 Q Did you hear from her after those advocacy calls were made?

3 A Yes.

4 Q And what was the nature of the conversation with her,
5 assuming it was subsequent to your first --

6 A The first time that I had met her, one of the things that I
7 suggested that she do was to make advocacy calls on the part
8 of her family. She had, I think, three sons and a husband
9 who were very involved in their campaign. And because she
10 was so close to the financial limit, I said: One of the
11 things you can do for free is to have your family make these
12 phone calls -- you and your family make the phone calls.

13 So she had called me up when we did the advocacy
14 calls. It was very close to the election. And she said:
15 I've had all these people call me up, telling me that they
16 are having all of these phone calls, and we're doing a lot
17 of those phone calls, but I know we didn't call some of
18 these people up. Are you doing it? And I said: Maggie,
19 you need to talk to Don Wasson about this. I'm not going to
20 answer any of your questions. He's my employer. You need
21 to talk to him.

22 Q So you wouldn't even acknowledge that you were doing them?

23 A No.

24 Q How come?

25 A Because she wasn't my client.

1 Q As far as her communication, then, with Don, do you know
2 whether -- that they had any communications?

3 A I'm sure they had a conversation. In fact, he had told me
4 that she was very angry with him.

5 Q Did she then call you to sort of discuss --

6 A She did.

7 Q -- that --

8 A She tried to call me a couple of times. I wouldn't take her
9 call.

10 Q Was it your understanding that she was going to have to
11 report the cost of whatever these calls were?

12 A I told Don that that's -- I gave him a memo about the cost
13 of those phone calls.

14 Q Throughout your statements in the past, you make statements
15 about it being Don's job to deal with the PDC filings, and
16 you say it in sort of a variety of different ways, but the
17 most consistently seems to be you're sort of led to believe
18 that he was doing that. Can you tell me how -- that you
19 were led to believe that he was doing that?

20 A Well, first, at the -- either the first or second meeting
21 that we had with Hank Hopkins, Don voluntarily said that he
22 was -- that he was handling Gary Petersen's campaign, and
23 that he was -- he was handling Richard Benjamin's campaign,
24 and that he would take care of -- he would take care to
25 ensure that the PDC filings were done correctly.

1 As the campaign -- I had just assumed from that point
2 on, that since I was not going to be meeting with all of
3 these candidates very regularly, that if I gave these
4 invoices to Don, or when I called him up over the phone,
5 that he was contacting these candidates and telling them how
6 much money they should be reporting on their PDC reports.

7 Q Did you ever check the filings on the PDC Web site to see?

8 A It was -- everything was moving so quickly, I didn't have a
9 chance to do that.

10 Q Okay. In one of your statements, you made a reference to
11 taking the \$2,000 and dividing it up between each four, and
12 each four reporting the \$500, and with regards to
13 Ms. Steenrod, after you had met her, that -- that you said
14 it would have to be given to the others. What did you mean
15 by that?

16 A When Don first hired me and had told me that he was
17 giving -- we agreed to the \$2,000, which would basically
18 include an interview with the candidates and then strategic
19 advice over the telephone. We had agreed to \$2,000 as the
20 fee. And I had told him that he needed to have each
21 candidate that I meet with attribute \$500 per person to
22 their PDC reports as political consulting fees.

23 Q And then, given your conversation, you then went on to say
24 that --

25 A And then, at some point in time, when I met with Maggie

1 Steenrod and she made it very clear that she was at this
2 \$3,500 limited reporting and that she was right at the top
3 of it, that she would not be -- she would not talk with me
4 because it would put her over the limit.

5 I called up Don, and I said: Well, she's out of the
6 equation, so you have to divide the \$2,000 up three
7 different ways instead of four different ways.

8 Q So you didn't look at the time that you spent with her in
9 the same way that you looked at -- you spent with them --

10 A Well, because --

11 Q -- the other three?

12 A -- I was going to be providing strategic advice to all of
13 the candidates over a four-week time period. I met with
14 Maggie only once.

15 Q One of the other comments that you made in your second --
16 the August of 2001 statement is that you had said that
17 Mr. Hopkins had more confidence in you than Mr. Wasson.
18 What did you mean by that?

19 A In the discussion that I referred to before, either the
20 first or the second meeting that we had, we, again, briefly
21 talked about how the money was going to be spent to assist
22 the candidates. And when Don started saying: We're going
23 to be using the money for yard signs and rallies and bumper
24 strips and buttons and all of these other things, I made it
25 very clear to, you know, Hank and to Don that you couldn't

1 make an assessment of how money was going to be spent until
2 you knew what the political landscape was.

3 And, you know, I think Hank said at the time to Don:
4 You know, Don, you're hiring Tom, who is an expert in these
5 types of things. You need to let him make some of these
6 decisions. At least, don't do anything without talking to
7 him.

8 Q Okay. And the other comment that you had attributed to
9 Mr. Hopkins was that he was looking for assurances from you?

10 A Yes. He said to me at the second meeting: Is there -- you
11 know, is there any guarantee that you can win all of these
12 races? And, you know, that's when we went into the
13 discussion of the polls, that in politics, there are no
14 guarantees, but the more money you spend in a campaign, the
15 more likely you are to be successful.

16 Q Following your presentations to Mr. Hopkins' group, did --
17 his investors -- did you ever meet with them or talk to them
18 after that -- after the second --

19 A I have never met --

20 Q -- presentation?

21 A -- with them during the course of the campaign at all. I
22 never met, nor did I discuss or see any of them.

23 Q Okay. I wanted to talk to you a little bit about your
24 declaration that you submitted following the PDC
25 investigation. Can you tell me how this came about, how

1 this declaration came about?

2 A Yes. I was -- I was surprised when I saw in the newspapers
3 that Mr. Hopkins was charged with multiple violations by the
4 Public Disclosure Commission. And I called him up, and I --
5 he was quite angry with me, and --

6 Q With -- I'm sorry. With you?

7 A He was very angry with me. He had told me that -- that I
8 had promised -- I had made a commitment to him that he would
9 not get into any trouble if he made these contributions, and
10 that now he was in this public -- publicized mess, and that,
11 you know, I got him into it.

12 Q And how did -- I mean, did he express to you --

13 A He --

14 Q -- how you --

15 A -- you know, I --

16 Q -- got him into it?

17 A I didn't even know what the charges were. I did not know
18 the substance of this at all. And then he started
19 explaining it to me, what the charges were. And I said to
20 him: Hank, you know, you didn't violate the reporting
21 limits. You had no obligation to report anything to the PDC
22 because we had made a commitment to you that the money you
23 were going to be contributing was going to be under \$5,000
24 per candidate. And I said: I will write a declaration on
25 your behalf in order to clear the matter up. And I said:

1 Even if it causes me pain, I'm more than happy to write this
2 for you.

3 And that's, basically, how it came about, is that I
4 wrote that declaration on my own without any assistance on
5 behalf of his attorneys or of him, and I sent a copy over to
6 his attorney to look at. And then I typed it up, and I had
7 it notarized on the Bainbridge Island Bank that I do
8 business with.

9 Q Okay. Just -- let's talk about -- you had originally told
10 him that, as long as he didn't give anything more than
11 \$5,000 to any individual candidate, that there would be no
12 reporting requirement for him individually?

13 A That's correct.

14 Q But through the course of this campaign, Mr. Benjamin became
15 a recipient of a much larger portion of the money that he
16 contributed. That's correct; right?

17 A That's correct.

18 Q Okay. So what actions did you take, as that was happening,
19 to advise Mr. Hopkins that that had changed?

20 A I never notified Mr. Hopkins because, quite frankly, in the
21 flurry of the three weeks of the activities that were going
22 on, with the problems that we had in getting the money to do
23 the project, I just didn't think about it. I mean, I'll --
24 I have to take the blame for this. Neither Don nor I ever
25 talked about it, never thought about it. It just happened.

1 And you are correct, that -- I believe that that was
2 our responsibility to come back to Mr. Hopkins and tell him
3 that we were going over the limit on the one person, but --
4 for the one candidate, but it never happened. I was not
5 focused on the Public Disclosure law because that was
6 something that Don Wasson was doing and I assumed all of the
7 work was done. But, in hindsight, I should have informed
8 Hank Hopkins that we were going over the limit for the one
9 candidate.

10 Q In your statement -- in the declaration statement that you
11 prepared, on paragraph 9 --

12 MS. DALTON: Do you guys have a copy of this?

13 Okay.

14 MR. VANCE: Could I take -- could I -- could you
15 have a copy made, or could I have a copy?

16 MS. DALTON: Do you have --

17 THE WITNESS: I don't have a copy.

18 MS. DALTON: Have you written on that one?

19 MS. HARRIS: No.

20 MS. DALTON: Okay. Why don't you just --

21 MR. VANCE: Can I share it with the witness?

22 MS. DALTON: Did you keep a copy for yourself

23 in --

24 THE WITNESS: I didn't bring it with me.

25 MS. DALTON: Okay. Okay.

1 MR. VANCE: Paragraph 9?

2 MS. DALTON: Paragraph -- Yeah. Roman

3 Numeral IX.

4 A Yes.

5 Q At what point do you believe that Mr. Wasson was aware that
6 they -- you were all going over the \$5,000 limit for
7 Mr. Benjamin?

8 A Well, we both knew that we were spending a lot of money on
9 Richard Benjamin's campaign. It was maybe halfway through
10 the effort. It was just the set of circumstances with
11 Maggie Steenrod pulling out, with Mike Foote, with Don's and
12 my assessment that Mike should not receive any money at
13 all -- all of these things just kind of stockpiled up.

14 And we did have the finances, and I was very concerned
15 about Richard being able to win the race. You need to
16 understand that I was not hired to win one or two. I was
17 hired to win all three. And it was clear to me that Maggie
18 Steenrod was going to win and that Gary Petersen would win.
19 It was Richard Benjamin who was the weak link. And I knew
20 that we had to put a disproportionate amount of money into
21 his campaign, but I did not intellectually think that we
22 were going over the limit and that that had a PDC
23 implication. It just never dawned on me during the course
24 of the three-week campaign that -- that going over the limit
25 had a PDC implication. I just didn't -- it didn't ring the

1 bell.

2 Q And then on paragraph 10, the last sentence, talking about
3 the cashier's checks being anonymous -- in the previous
4 statements that you had made to the PDC staff, you had said
5 that the first time you really even saw that, was during
6 their --

7 A Yes.

8 Q -- questioning you about it, but here you say that it was
9 marked that way at your request and not part of any
10 effort --

11 A I -- Let me clarify. There was one check that I was -- and
12 it may have very well have been the first check -- that I
13 was going to send the check directly to McGuire Research. I
14 think I -- actually, I had testified to that effect.

15 And whenever -- I do not want any of my vendors to know
16 who the work was being done by. It's just a policy that I
17 use for all of my candidates and my clients.

18 So the cashier's check -- I told him offhandedly: Put
19 it anonymous. But I only said that to him in one instance,
20 and I think he just started doing it on and off.

21 But I was the one who had told him in the first
22 instance for the first check because I was going to be
23 sending that check directly to McGuire Resources -- to
24 McGuire Research.

25 Q And that's the one that came as somebody's company check,

1 not as a cashier's check, that first check?

2 A Whatever it was. I can't tell you what it was.

3 The thing is -- is that -- I remember now. Bob Gogerty
4 uses McGuire Research to do the work, and I didn't want
5 Gogerty to know that I was doing this -- that I had taken
6 this job away from him.

7 So it was a combination of not wanting Gogerty to know
8 that I had stolen this project away from him and, secondly,
9 the fact that I really didn't want McGuire or anybody else
10 to know who was behind the project. It had nothing to do
11 with the Public Disclosure or anybody else. It was that I
12 didn't want my vendors or my competition to know that I was
13 doing this project.

14 Q Okay.

15 MS. DALTON: Could we just go off the record for a
16 second?

17 (Off the record.)

18 MS. DALTON: We're back on the record.

19 Q (Ms. Dalton continuing) I'd like to clarify one issue. With
20 respect to the information you were providing Mr. Wasson,
21 these memos, about, you know, what was being attributed to
22 what candidate, what was your understanding of how those
23 would then be reported, who the money would be reported from
24 on the candidates' forms?

25 A Well, again, I will go back to what I testified before.

1 Most of the money was being spent on Richard Benjamin's and
2 Gary Petersen's campaign. Maggie Steenrod was completely
3 out of the equation, and Mike Foote was eliminated at the
4 very outset. So we're really only dealing with two races.

5 From the very outset, one, because Gary Petersen was on
6 vacation for two weeks and really acted as if he didn't care
7 whether he won or lost and, secondly, because Richard
8 Benjamin had no idea how to run a campaign or what to do, it
9 was clear to me that the bulk of our time and the bulk of
10 Don's time was to work on those two candidates. It was very
11 clear in the invoices that I gave, that -- at least, early
12 on, that the contributions were to those two candidates.

13 And I specifically remember Don telling me in a number
14 of instances that (a) Richard Benjamin was having problems
15 with his PDC report and Don couldn't meet with me because he
16 was -- or couldn't talk to me because he was rushing over
17 there to take care of some problem, and (b) that Don was
18 talking to Gary Petersen's treasurer because she had
19 questions and didn't know how to do different things.

20 There was always these conversations about Don being
21 involved in the PDC process for those two candidates -- that
22 I simply assumed that he was overlooking [sic] the entire
23 process.

24 That was not true for Maggie Steenrod, but we were not
25 going to spend any money on Maggie Steenrod until the

1 negative mailing hit. And Don called me up, I think, in the
2 last week of the campaign, and we spent money for phone bank
3 operation for her.

4 Q And maybe I just wasn't clear enough. How -- who was going
5 to be reported on these reports as making these
6 contributions? I mean, how was what you were doing and the
7 money you were --

8 A I just had a memo to Don Wasson from Tom Hujar: Here are
9 the expenditures made on behalf of the following
10 candidates. McGuire Research, advocacy calls, Richard -- or
11 I'd have Richard Benjamin, one, advocacy call -- McGuire
12 Research, advocacy calls, the amount -- and I think I did
13 almost on a weekly basis.

14 Q So you -- was it your expectation that that information
15 would show up on their reports as McGuire and --

16 A Absolutely.

17 Q -- Snyder and -- so there would be no link between
18 Mr. Hopkins putting the money in and then it going to these
19 companies?

20 A I understand what you are saying.

21 MR. VANCE: I'm sorry. Objection as to form.

22 A I understand what you're saying. What I was supposed to do
23 was to tell him how the money was going to -- how much money
24 was spent for each candidate.

25 Q And to what company?

1 A And to what -- like to McGuire Research or to Mike Snyder
2 or -- or what -- or --

3 Q Or to you?

4 A -- or me or to -- Yeah. Whatever the expenditures were, I
5 wrote down on the e-mail how much should be attributed to
6 each candidate, and I gave it to Don. And I simply assumed
7 that the contributions were going to be disclosed
8 correctly. I didn't think about the issue that you just
9 raised, which was: How was Mr. Hopkins' contribution going
10 to be reported? I never gave thought to that. I gave --
11 you know, that was Don's job.

12 Q And how did you expect Don to do it?

13 A Well, he never asked me, quite frankly. I just assumed that
14 he knew what he was doing.

15 Q Okay. Thank you.

16 MS. DALTON: You had a couple clarifying
17 questions?

18 MR. VANCE: Yes. Just very briefly.

19

20 EXAMINATION

21 BY MR. VANCE:

22 Q Mr. Hujar, Mr. Hopkins called you up, and you indicate that
23 you offered to write a declaration to clarify the record?

24 A That's correct.

25 Q And there had been no involvement with his attorney up to

1 that point; am I correct?

2 A That's correct.

3 Q Subsequently, you and I did meet; am I right?

4 A I thought I talked to you over the phone, sent over the
5 affidavit to you, and then I met with you. And then I got
6 it -- I took it back to my house, and I notarized it. I
7 thought that was the process we used.

8 Q But do -- you do recall meeting with me?

9 A Yes. I --

10 Q And you do recall me interviewing you?

11 A I'm not sure if that was before or after the affidavit, but
12 that's correct.

13 Q And at some point, do you recall me sending you a draft
14 declaration for your review and consideration?

15 A Yes. And I told you that I wanted to write my own
16 declaration. I didn't want to use your declaration at all.

17 Q And did you ultimately submit a declaration that you felt
18 was consistent with the facts as you recall them?

19 A In my words, yes.

20 Q Did you feel, at any time, pressured by me?

21 A No.

22 MR. VANCE: Thank you.

23 ///

24 ///

25 ///

1 FURTHER EXAMINATION

2 BY MS. DALTON:

3 Q Before we go off the record, the documents that we had sent
4 to you included a subpoena for phone records. Were you able
5 to pull those together?

6 A I haven't -- you know, I don't keep my phone records. I've
7 made a request to Verizon and to US West, and it takes a
8 week to get them. And I will -- I mean, I just don't keep
9 my cell records for a year back.

10 Q Okay.

11 (Deposition concluded.)

12 (Signature reserved.)

1 CHANGE AND SIGNATURE SHEET

2 I, the undersigned, THOMAS F. HUJAR, do hereby certify
3 that I have read the foregoing deposition and that, to the best
4 of my knowledge, said deposition is true and accurate, with the
5 exception of the following corrections listed below:

6 PAGE	7 LINE	8 CHANGE
--------	--------	----------

9 Date	10 Signature
--------	--------------

11 Case name: In Re: Enforcement Hearing for Wasson, et al
12 Venue/Cause No.: Public Disclosure Commission, Olympia,
13 02-296 & 03-153

14 Deposition of: THOMAS F. HUJAR

15 Date taken: March 24, 2003

16 Trial/Arb. date:

17 Pamela J. Bentley, CCR

18 License No.: BENTLPJD36PF

1 CERTIFICATE

STATE OF WASHINGTON)

2) ss.

COUNTY OF PIERCE)

3
4 I, PAMELA J. BENTLEY, a Certified Court Reporter and
5 Notary Public in and for the State of Washington, do hereby
6 certify that I reported in machine shorthand the deposition of
7 THOMAS F. HUJAR, called as a witness at the instance of the
8 Public Disclosure Commission, for purposes of discovery in the
9 above-entitled cause; that the said witness was duly sworn by me;
10 that the reading and subscribing of the completed deposition by
11 the witness was reserved; that the foregoing transcript was
12 prepared under my personal supervision and constitutes a true
13 record of the testimony of the said witness.

14 I further certify that I am not an attorney or counsel
15 of any parties, nor a relative or employee of any attorney or
16 counsel connected with the action, nor financially interested in
17 the action.

18 WITNESS my hand and seal in University Place, County of
19 Pierce, State of Washington, this 7th day of April, 2003.
20
21
22

23 Pamela J. Bentley, Notary Public in
24 and for the State of Washington,
25 residing at University Place.
My commission expires 3/29/05.